

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q80180

Fumiko SHIRAISHI, et al.

Appln. No.: 10/792,297

Group Art Unit: 1743

Confirmation No.: 3153

Examiner: John P. SHEEHAN

Filed: March 4, 2004

For: METHOD OF MANUFACTURING MAGNETIC PARTICLE, MAGNETIC PARTICLE AND
MAGNETIC RECORDING MEDIUM

**PETITION TO RESET THE PERIOD FOR REPLY DUE TO
LATE RECEIPT OF AN OFFICE ACTION**

MAIL STOP AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants' representatives have recently received an Office Action for the above-identified application dated November 23, 2007. In view of the substantial portion of the set period for reply having elapsed prior to the date of receipt, Applicants hereby petition to have the previously set time period for reply to the Office Action restarted. Applicants submit the following in support of the petition.

Applicants are filing the instant petition within 3 days of the actual date of receipt of the Office Action on February 8, 2008. A substantial portion of the set period for reply has elapsed prior to the date of receipt of the Office Action. The PTO mail date on the Office Action was November 23, 2007. However, the actual date of receipt of the Office Action was February 8, 2007. Enclosed herewith is a copy of the Office Action cover page with the Sughrue Mion, PLLC Docketing Department stamped date of receipt. As a routine matter, mail received by Sughrue Mion, PLLC is first processed and date stamped by the Docketing Department upon its arrival.

**PETITION TO RESET THE PERIOD FOR REPLY
DUE TO LATE RECEIPT OF AN OFFICE ACTION
Application No.: 10/792,297**

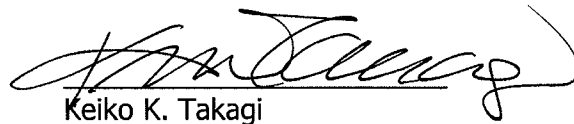
Attorney Docket Q80180

In addition, a copy of the envelope containing the Office Action is stamped with a mail date of February 7, 2008, a copy of which is enclosed.

As provided for in MPEP §710.06, and in view of the above, Applicants respectfully petition to have the previously set time period for reply to the Office Action dated November 23, 2007 restarted.

It is not believed that any fees are due for the instant Petition. However, should it be determined that fees are required for the instant petition, please charge the fees to Deposit Account No. 19-4880.

Respectfully submitted,



Keiko K. Takagi
Registration No. 47,121

SUGHRUE MION, PLLC
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WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: February 11, 2008

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Jeff

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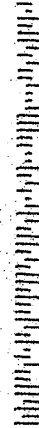
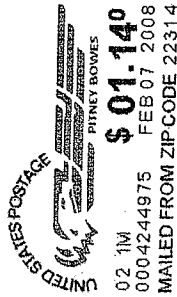
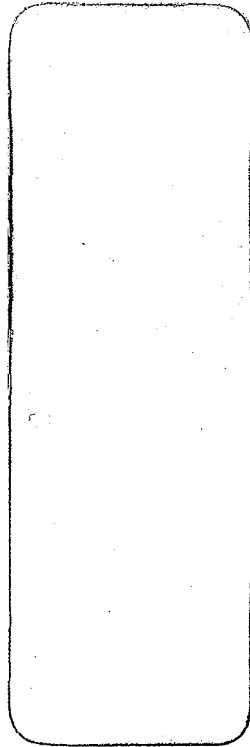
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/792,297	03/04/2004	Fumiko Shiraishi	Q80180	3153

23373 7590 11/23/2007
SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

EXAMINER

SHEEHAN, JOHN P

ART UNIT	PAPER NUMBER
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1793

DOCKETED

FEB - 8 2008

MAIL DATE	DELIVERY MODE
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11/23/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/792,297	Applicant(s) SHIRAISHI ET AL.	
	Examiner John P. Sheehan	Art Unit 1793	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 September 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) 15 and 16 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, filed September 24, 2007, with respect to the rejection of claims 1 to 14 under 35 U.S.C. 103(a) as being obvious over each of Waki et al. (Waki '978, US Patent No. 7,066,978), Hattori et al. (Hattori '895, US Patent No. 6,994,895) or Hattori et al. (Hattori '357, US Patent Application Publication No. 2004/0033357) each taken in view of Thumm et al. (Thumm '332, US Patent No. 6,221,332) have been fully considered and are persuasive. This rejection of claims 1 to 14 has been withdrawn.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 to 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murray et al. (Murray '119, US Patent Application Publication No. US 2001/0009119, cited by the Examiner in the instant Office action) taken in view of Thum et al. (Thum '332, US Patent No. 6,221,332, cited in the Office action mailed March 23, 2007).

Murray '119 teaches a method of manufacturing a CuAu type magnetic particle (page 1, paragraphs 0009 and 0011) comprising, forming an alloy particle and converting the alloy particle to a magnetic particle (page 1, paragraph 0012 and Figure 10, Step 106). The formation of the alloy particle includes supplying a plurality of reactants to a reaction vessel and mixing the reactants to cause the reactants to react with each other (page 1, paragraph 0012).

Thumm '332 teaches that pressurized reactant streams having pressures of 8,000 to 50,000 (55 to 345 Mpa) improves the mixing of the reactants, results in a more efficient reaction (column 1, lines 55 to 68) and provides a more uniform smaller particles size product (column 16, lines 37 to 45).

The claims and Murray '119 differ in that the Murray '119 does not teach the use of a high pressure reactant stream.

However, one of ordinary skill in the art at the time the invention was made would have been motivated to use high pressure reactant streams in Murray '119's process so as to improve the mixing of the reactants, the efficiency of the reaction and to provide a more uniform smaller particles size product as taught by Thumm '332.

Conclusion

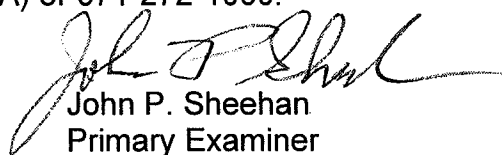
Any inquiry concerning this communication or earlier communications from the examiner should be directed to John P. Sheehan whose telephone number is (571) 272-1249. The examiner can normally be reached on T-F (7:30-5:00) Second Monday Off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Roy King can be reached on (571) 272-1244. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


John P. Sheehan
Primary Examiner
Art Unit 1793

JPS

Notice of References Cited

Application/Control No.

10/792,297

Applicant(s)/Patent Under
Reexamination
SHIRAISHI ET AL.

Examiner

John P. Sheehan

Art Unit

1793

Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-6,254,662 B1	07-2001	Murray et al.	75/348
*	B	US-2001/0009119	07-2001	Murray et al.	75/348
	C	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
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NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.